

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Frank Stypulkowski,  
Plaintiff,

v.

Anna Stypulkowski,  
Defendant.

: CIVIL ACTION  
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NO. 00-CV-3151

**Memorandum and Order**

YOHN, J.

September , 2000

Plaintiff, Frank Stypulkowski [“Stypulkowski”], who is proceeding pro se, brought this civil rights action to object to proceedings and orders of a state court relating to the care and custody of his children. After considering the plaintiff’s complaint, I conclude that, under the *Rooker-Feldman* doctrine, this court lacks subject matter jurisdiction to review the state court proceedings.

**BACKGROUND**

Stypulkowski, was granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, and filed his complaint on June 21, 2000.

Plaintiff alleges that his civil rights were violated during proceedings brought against him by Anna Stypulkowski in the Pennsylvania Court of Common Pleas, Philadelphia County Family Division [“family court” or “state court”]. First, plaintiff asserts that Anna Stypulkowski

fabricated all the accusations she raised against him. Second, plaintiff alleges that he participated in the proceedings under duress and that he was denied a translator on at least one day (June 19, 1997). Third, plaintiff asserts that the lawyers involved in the proceedings acted in an improper manner. Fourth, plaintiff claims that the family court record is incomplete and that the hearing officers misinterpreted his innocent acts. In order to remedy these alleged civil rights violations, plaintiff asks this court to review the family court proceedings.

### **DISCUSSION**

A federal court has the obligation to address a question of subject matter jurisdiction sua sponte. *See Employers Ins. of Wausau v. Crown Cork & Seal Co., Inc.*, 905 F.2d 42, 45 (3d Cir. 1990); Fed. R. Civ. P. 12(h)(3) (“Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.”). The plaintiff bears the burden of proving subject matter jurisdiction exists. *See Mortensen v. First Fed. Sav. & Loan Ass’n*, 549 F.2d 884, 891 (3d Cir. 1977).

Federal district courts may not sit in direct review of decisions of a state tribunal. *See District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482 (1983) (“[A] United States District Court has no authority to review final judgments of a state court in judicial proceedings.”); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 416 (1923) (holding that, even if a state court decision was wrong, only the Supreme Court has the power to reverse or modify that judgment); *Guarino v. Larsen*, 11 F.3d 1151, 1156-57 (3d Cir. 1993) (barring review of final decisions of a state’s highest court); *Port Auth. Police Benevolent Ass’n v. Port Auth. Police Dep’t*, 973 F.2d 169, 177-78 (3d Cir. 1992) (barring review of final decisions of lower state

courts). This so-called *Rooker-Feldman* doctrine bars lower federal courts from exercising subject matter jurisdiction over “constitutional claims that have been previously adjudicated in state court or that are inextricably intertwined with such a state adjudication.” *Gulla v. North Strabane Township*, 146 F.3d 168, 171 (3d Cir. 1998).

The *Rooker-Feldman* test first requires the court to determine whether a plaintiff’s constitutional claims have already been adjudicated in state court. If a constitutional claim has been adjudicated in state court, a lower federal court is without subject matter jurisdiction to hear the claim. If the first prong of the *Rooker-Feldman* inquiry is inapplicable to a given constitutional claim, the court must then determine whether the claim is “inextricably intertwined” with a state court decision. A constitutional claim is “inextricably intertwined” with a state court decision if “the federal claim succeeds only to the extent that the state court wrongly decided the issues before it. In other words, *Rooker-Feldman* precludes a federal action if the relief requested in the federal action would effectively reverse the state decision or void its ruling.” *FOCUS v. Allegheny County Court of Common Pleas*, 75 F.3d 834, 840 (quoting *Charchenko v. City of Stillwater*, 47 F.3d 981, 983 (8th Cir. 1995) (citations omitted)). *See also Ritter v. Ross*, 992 F.2d 750, 754 (7th Cir. 1993) (“The crucial point is whether ‘the district court is in essence being called upon to review the state-court decision.’”) (quoting *Feldman*, 460 U.S. at 483-84 n.16), *cert. denied*, 510 U.S. 1046 (1994).

Applying the *Rooker-Feldman* test to this case, I consider first whether Stypulkowski’s claims were actually litigated by the state court. Of the plaintiff’s four main allegations, only the first appears to have been litigated in state court. Plaintiff alleges that Anna Stypulkowski fabricated all the accusations she raised against him in family court. In rendering a decision, the

family court necessarily evaluated the veracity of defendant's accusations. In the absence of any additional specific allegations by the plaintiff about the nature of the defendant's alleged fabrications and the family court's inability to recognize them, the merits of this claim have been adjudicated in state court and are not subject to review by this court.

Next, I consider whether Stypulkowski's remaining claims are "inextricably intertwined" with a state court decision. A careful review of plaintiff's remaining claims has convinced the court that Stypulkowski is ultimately asking this court to revise or invalidate the decisions made by the state court. The plaintiff has explicitly and implicitly asked this court to review the proceedings and orders of the family court relating to the care and custody of the plaintiff's children. Although the due process violations the plaintiff alleges do not necessarily implicate the merits of the child care and custody decrees entered by the state court, this court could only grant plaintiff's request for relief by effectively reversing the family court's decisions or voiding its rulings. As a result, these alleged due process violations are inextricably intertwined with the decision of the state court, and this court lacks subject matter jurisdiction over the plaintiff's remaining three claims.

## **CONCLUSION**

The court finds that, under the *Rooker-Feldman* doctrine, it is without subject matter jurisdiction to hear the plaintiff's claims. Consequently, I will dismiss this action. An appropriate order follows.

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**Order**

And now, this \_\_\_\_\_ day of September, 2000, upon consideration of the plaintiff's complaint, it is hereby ORDERED AND DECREED that this action is DISMISSED on the ground that the court is without subject matter jurisdiction without prejudice to the right of the plaintiff to proceed in state court on the issues raised or to file an amended complaint in this action within 20 days of the date hereof raising proper claims over which the court has subject matter jurisdiction.

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William H. Yohn, Jr., Judge